

Patterson and Livingston — felt that “it would not be safe for Delaware” to allow Virginia, which was 16 times as large as Delaware, 16 times as many votes in the legislative body.

How little things have changed! How much this sounds like the complaints we hear nowadays from small, rural communities, smarting under decrees from our higher courts!

But of course the men in Philadelphia, working on a system of legislative apportionment, were free to exercise their will and their judgment, untrammelled by a superior political force. In fact, as we know, at the same time they were creating the legislative body, they were establishing the court which now rules on the equity of legislative representation.

The Virginian delegation, which had arrived earlier, had their plan for a constitution ready for presentation when representatives from the other states arrived in Philadelphia early in 1787. The Virginia Plan called for a strong centralized government, and on the crucial issue of legislative representation, an apportionment based on population. The Virginia Plan was discussed for many weeks, and a bitter dispute arose on the question of states’ rights. It might be well to note that the phrase in that day bore a slightly different connotation than the one sometimes placed upon it in our time.

New Jersey was a strong advocate of states’ rights and of a decentralized federal system. The main point in argument was about representation. Charles Pinckney, of South Carolina, said, “Give New Jersey an equal vote, and she will dismiss her scruples and concur in that national system.”

The convention was deadlocked on this point, and here occurred what our historians have called “the Great Compromise.” The suggestion was made that each state be equally represented in the upper house of the Congress and that the representation in the lower house be based on population, to be determined by a census taken every ten years.

When the vote was taken on July 16, 1787, the convention adopted this compromise. Maryland, with New Jersey, Connecticut, Delaware and North Carolina, voted for the compromise. Pennsylvania, Virginia, South Carolina and Georgia voted against it. New York lost her vote because her delegates were absent, and the New Hampshire delegation had not yet arrived. Thus, by the narrowest of margins the vital question of representation was settled, and the convention within the next few weeks went on to settle the remaining issues.